

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

THE UNITED STATES OF AMERICA

-vs-

JAVIER DAVILA

Defendant

**NOTICE OF MOTION
Docket No. 24-MJ-4013
Docket No. 24-CR-6083**

PLEASE TAKE NOTICE, that upon the affirmation of DAVID R. MORABITO, attorney for the above-named Defendant, and upon the Criminal Complaint and all prior papers and proceedings had herein, the defendant will move this Court for relief pursuant to the following motions:

MOTION FOR ADJOURNMENT

Dated: September 4, 2024

Yours, etc.

/S/ David R. Morabito, Esq.

DAVID R. MORABITO, ESQ.
Attorney for the Defendant
Post Office Box 187
117 West Commercial Street
East Rochester, NY 14445-0187
(585) 586-5770

TO: Clerk, United States District Court (WDNY)

ATTN: United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

DOCKET NO. 24-MJ-4013
DOCKET NO. 24-CR-6083

MOTION FOR
ADJOURNMENT

-VS-

JAVIER DAVILA

Defendant

STATE OF NEW YORK)
COUNTY OF MONROE)

DAVID R. MORABITO, being duly sworn, deposes and states:

1. I am duly licensed in the State of New York and I am admitted to practice in the United States District Court for the Western District of New York and the United States Court of Appeals for the Second Circuit. Deponent was appointed to represent defendant Jeffery Campbell in the District Court.

2. That on January 22, 2024 Javier Davila was charged by the United States Government on a 1 Count Criminal Complaint involving Narcotics. The case has been adjourned to September 5, 2024 for Status.

3. That the Defendant and Government resolved the hereinstated matter pursuant to a Plea Agreement. The case was to have been adjourned to September 4, 2024 for a guilty plea before the Hon. Frank Geraci. The Court adjourned that date. The Government has agreed and do not oppose Defendant's request for an adjournment.

4. That Deponent is respectfully requesting an adjournment for thirty(30) days to advise of the resolution of this case pursuant to the Plea Agreement and Plea. Defendant is requesting, in the interest of justice, that speedy trial time be waived until further notice.

WHEREFORE, it is respectfully requested that an Order be entered allowing an adjournment from the previously scheduled date of September 5, 2024.

/s/ David R. Morabito
Counsel to Defendant

Sworn to before me this
4th Day of September, 2024

/s/ Colette M. Gagnier

Notary Public, State of New York
Qualified in Monroe County
My commission expires 02/28/26

UNITED STATES DISTRICT COURT
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AFFIDAVIT OF SERVICE

-VS-

JAVIER DAVILA

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024, I electronically filed the attached Motion for Adjournment with the Clerk of the United States District Court (WDNY) using the CM/ECF system, which sent notification of such filing to the following:

1. Clerk- United States District Court (WDNY)
2. U.S. Attorney

/s/David R. Morabito, Esq.

David R. Morabito, Esq.
PO Box 187
117 W. Commercial Street
East Rochester, NY 14445
585-586-5770

Sworn to before me this
4th day of September, 2024

/s/ Colette M. Gagnier

Notary Public
Commission Expires 02/28/26